

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 16751 of 2004

Between:

Syed Imthiyazuddin Qureshi, S/o. Wahezuddin Qureshi,
R/o. 2-7-12, Excise Colony, Hanumankonda,

Warangal District.

..... PETITIONER

AND

The Superintending Engineer (Operation),

Northern Power Distribution Company of A.P. Ltd.
Nakkalagutta, Warangal District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of *Writ of Mandamus* call for the records from the respondent in Memo No. SE/OP/Wgl/Estt/U.1/D.No.189/2001 dated 4-7-2001 by declaring the action of the respondent in Keeping the petitioner under suspension till this day as arbitrary, illegal, un-just, contrary to the A.P.S.E.B. Employees Disciplinary & Appeal Regulations without jurisdiction also violative of Articles 14 and 21 of the Constitution of India and consequently set-aside the impugned order of suspension.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondent: MR.S.RAVINDRANATH

The Court made the following:

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ORDER:

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Challenging the order in Memo No.SE/OP/Wgl/Estt/ U.1/D.No.189/2001, Dated 04.07.2001 passed by the respondent in keeping the petitioner under suspension, the present writ petition is filed.

2. As seen from the allegations in the affidavit, it is stated that though the petitioner was suspended in the year 2001, as on today, no enquiry has been conducted and his suspension was not reviewed periodically as required under law.

3. The respondent filed counter stating that during the month of January, 2003, a departmental enquiry was conducted and enquiry report has been submitted to the Disciplinary Authority. As a criminal case is pending against the petitioner, no final orders have been passed.

4. Since the enquiry has already been completed, the only hurdle is that the Disciplinary Authority has not passed any orders in view of the pendency of the criminal case in F.I.R.No.63 of 2001 of Venkatapur Police Station, Warangal District. The purpose and object of the departmental enquiry and the criminal case are entirely different, unless it is shown that the evidence let in, in both the cases, is one and the same, the disciplinary proceedings cannot be stalled or stopped. It is brought to the notice of this Court that the police have not filed the charge sheet in the criminal case. So, at this stage, there is no impediment for the departmental authorities to take appropriate decision basing on the enquiry report submitted by the enquiry officer.

5. Accordingly, the writ petition is disposed of with a direction to the respondent to take appropriate decision after giving reasonable opportunity to the writ petitioner on the enquiry report, within a period of one month from the date of receipt of a copy of this order. No order as to costs.

(K.C.BHANU,J)

14th December, 2004

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Superintending Engineer (Operation),
Northern Power Distribution Company of A.P. Ltd.
Nakkalagutta, Warangal District.

2. Two C.D. copies